

Senate File 435 - Introduced

SENATE FILE 435
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1152)

A BILL FOR

- 1 An Act relating to the duties of the county auditor.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.9, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. Registration closes at ~~five~~ 5:00 p.m. eleven days
4 before each election except ~~primary and the~~ general elections
5 election. For ~~primary and the~~ general elections election,
6 registration closes at ~~five~~ 5:00 p.m. ten days before the
7 election. An eligible elector may register during the time
8 registration is closed in the elector's precinct but the
9 registration shall not become effective until registration
10 opens again in the elector's precinct, except as otherwise
11 provided in section 48A.7A.

12 Sec. 2. Section 48A.26, subsection 3, Code 2011, is amended
13 to read as follows:

14 3. If the registration form is missing required information
15 pursuant to section 48A.11, subsection 8, the acknowledgment
16 shall advise the applicant what additional information is
17 required. The commissioner shall enclose a new registration
18 form for the applicant to use. If the registration form has
19 no address, the commissioner shall make a reasonable effort
20 to determine where the acknowledgment should be sent. If the
21 incomplete registration form is received during the period in
22 which registration is closed pursuant to section 48A.9 but by
23 ~~5:00 p.m.~~ the close of business on the Saturday before the
24 election for general and primary elections or by ~~5:00 p.m.~~
25 the close of business on the Friday before the election for
26 all other elections, the commissioner shall send a notice
27 advising the applicant of election day and in-person absentee
28 registration procedures under section 48A.7A.

29 Sec. 3. Section 53.2, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. a. Any registered voter, under the circumstances
32 specified in section 53.1, may on any day until noon on the day
33 before the election, ~~except election day~~, and not more than
34 seventy days prior to the date of the election, apply in person
35 for an absentee ballot at the commissioner's office or at any

1 location designated by the commissioner. ~~However, for those~~
2 ~~elections in which the commissioner directs the polls be opened~~
3 ~~at noon pursuant to section 49.73, a voter may apply in person~~
4 ~~for an absentee ballot at the commissioner's office from 8:00~~
5 ~~a.m. until 11:00 a.m. on election day.~~

6 *b.* A registered voter may make written application to the
7 commissioner for an absentee ballot. A written application
8 for an absentee ballot must be received by the commissioner no
9 later than ~~5:00 p.m.~~ the close of business on the Friday before
10 the election. A written application for an absentee ballot
11 delivered to the commissioner and received by the commissioner
12 more than seventy days prior to the date of the election shall
13 be retained by the commissioner and processed in the same
14 manner as a written application received not more than seventy
15 days before the date of the election.

16 Sec. 4. Section 53.2, subsection 6, Code 2011, is amended
17 to read as follows:

18 6. If an application for an absentee ballot is received
19 from an eligible elector who is not a registered voter
20 the commissioner shall send the eligible elector a voter
21 registration form and another absentee ballot application form.
22 If the application is received after the time registration
23 closes pursuant to section 48A.9 but by ~~5:00 p.m.~~ the close
24 of business on the Saturday before the election for general
25 and primary elections or by ~~5:00 p.m.~~ the close of business on
26 the Friday before the election for all other elections, the
27 commissioner shall notify the applicant by mail of the election
28 day and in-person absentee registration provisions of section
29 48A.7A. In addition to notification by mail, the commissioner
30 shall also attempt to contact the applicant by any other method
31 available to the commissioner.

32 Sec. 5. Section 53.18, subsection 2, Code 2011, is amended
33 to read as follows:

34 2. If the commissioner receives the return envelope
35 containing the completed absentee ballot by ~~5:00 p.m.~~ the close

1 of business on the Saturday before the election for general
2 and primary elections and by ~~5:00 p.m.~~ the close of business
3 on the Friday before the election for all other elections, the
4 commissioner shall open the envelope to review the affidavit
5 for completeness. If the affidavit is incomplete, the
6 commissioner shall, within twenty-four hours of the time the
7 envelope was received, notify the voter of that fact and that
8 the voter may complete the affidavit in person at the office of
9 the commissioner by 5:00 p.m. on the day before the election,
10 vote a replacement ballot in the manner and within the time
11 period provided in subsection 3, or appear at the voter's
12 precinct polling place on election day and cast a ballot in
13 accordance with section 53.19, subsection 3.

14 Sec. 6. Section 331.904, subsection 1, paragraph a, Code
15 2011, is amended to read as follows:

16 a. The annual base salary of the first and second deputy
17 officer of the office of auditor, treasurer, and recorder,
18 the deputy in charge of the motor vehicle registration and
19 title division, ~~and~~ the deputy in charge of driver's license
20 issuance, and the deputy in charge of voter registration and
21 elections shall each be an amount not to exceed eighty-five
22 percent of the annual salary of the deputy's principal officer.
23 In offices where more than two deputies are required, the
24 annual base salary of each additional deputy shall be an amount
25 not to exceed eighty percent of the principal officer's salary.
26 The amount of the annual base salary of each deputy shall be
27 certified by the principal officer to the board and, if a
28 deputy's annual base salary does not exceed the limitations
29 specified in this subsection, the board shall certify the
30 annual base salary to the auditor. The board shall not certify
31 a deputy's annual base salary which exceeds the limitations of
32 this subsection.

33 Sec. 7. Section 372.13, subsection 2, paragraph a,
34 unnumbered paragraph 1, Code 2011, is amended to read as
35 follows:

1 By appointment by the remaining members of the council,
2 except that if the remaining members do not constitute a quorum
3 of the full membership, paragraph "b" shall be followed. The
4 appointment shall be made within forty days after the vacancy
5 occurs and shall be for the period until the next pending
6 election as defined in section 69.12, and shall be made within
7 forty days after the vacancy occurs regular city election,
8 unless there is an intervening special election to fill a
9 vacancy in another elective city office in that city or there
10 is an intervening special election on a city ballot proposition
11 for that city, in which case the office shall be placed on
12 the ballot at such intervening election and the appointee's
13 term of appointment shall be until a successor is elected
14 and qualifies. If the council chooses to proceed under this
15 paragraph, it shall publish notice in the manner prescribed by
16 section 362.3, stating that the council intends to fill the
17 vacancy by appointment but that the electors of the city or
18 ward, as the case may be, have the right to file a petition
19 requiring that the vacancy be filled by a special election.
20 The council may publish notice in advance if an elected
21 official submits a resignation to take effect at a future date.
22 The council may make an appointment to fill the vacancy after
23 the notice is published or after the vacancy occurs, whichever
24 is later. However, if within fourteen days after publication
25 of the notice or within fourteen days after the appointment
26 is made, there is filed with the city clerk a petition which
27 requests a special election to fill the vacancy, an appointment
28 to fill the vacancy is temporary and the council shall call
29 a special election to fill the vacancy permanently, under
30 paragraph "b". The number of signatures of eligible electors of
31 a city for a valid petition shall be determined as follows:
32 Sec. 8. Section 443.2, unnumbered paragraph 1, Code 2011,
33 is amended to read as follows:
34 Before the ~~first~~ fifteenth day of July in each year,
35 the county auditor shall transcribe the assessments of the

1 townships and cities into a book or record, to be known as the
2 tax list, properly ruled and headed, with separate columns, in
3 which shall be entered the names of the taxpayers, descriptions
4 of lands, number of acres and value, numbers of city lots and
5 value, and each description of tax, with a column for polls and
6 one for payments, and shall complete it by entering the amount
7 due on each installment, separately, and carrying out the total
8 of both installments. The total of all columns of each page of
9 each book or other record shall balance with the tax totals.
10 After computing the amount of tax due and payable on each
11 property, the county auditor shall round the total amount of
12 tax due and payable on the property to the nearest even whole
13 dollar.

14 Sec. 9. Section 443.4, Code 2011, is amended to read as
15 follows:

16 **443.4 Tax list delivered — informality and delay.**

17 The county auditor shall make an entry upon the tax list
18 showing what it is, for what county and year, and deliver
19 it to the county treasurer on or before ~~June 30~~ July 15,
20 taking the treasurer's receipt therefor; and such list shall
21 be a sufficient authority for the treasurer to collect the
22 taxes therein levied. No informality therein, and no delay
23 in delivering the same after the time above specified, shall
24 affect the validity of any taxes, sales, or other proceedings
25 for the collection of such taxes.

26 EXPLANATION

27 This bill makes changes relating to the duties of the county
28 auditor.

29 ELECTIONS AND VOTER REGISTRATION. Current law provides
30 that voter registration closes 11 days before the primary and
31 general elections and 10 days before all other elections. The
32 bill provides that voter registration closes 11 days before the
33 general election and 10 days before all other elections.

34 The bill changes the time for various deadlines relating to
35 voter registration and absentee voting from 5:00 p.m. on the

1 specified day to the close of business on the specified day.
2 The 5:00 p.m. deadlines in current law for the final day to
3 file nomination papers with the state or county commissioner
4 and for matters pertaining to the day before the election are
5 retained.

6 The bill specifies that if an appointment is made to
7 fill a vacancy in an elective city office, the term of
8 appointment runs until the next regular city election, unless
9 an intervening special election on a city ballot proposition
10 or to fill another vacancy in an elective city office is held,
11 and, in that case, the vacancy shall be filled at such special
12 election.

13 PROPERTY TAX LISTS. The bill changes the deadline by which
14 the county auditor must prepare the tax list from before July 1
15 to before July 15. The bill also changes from June 30 to July
16 15 the deadline by which the auditor must deliver the tax list
17 to the county treasurer.

18 DEPUTY'S SALARY. Current law provides that the annual
19 base salary of the first and second deputy auditors shall not
20 exceed 85 percent of the auditor's salary. The bill provides
21 that the annual base salary of the deputy in charge of voter
22 registration and elections shall not exceed 85 percent of the
23 auditor's salary.